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15 Attorneys for Defendant
16 ZONG, INC.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 OAKLAND DIVISION

20 PAYMENTONE CORPORATION,
a Delaware corporation,

21 Plaintiff,

22 v.

23 ZONG, INC., a Delaware corporation,

24 Defendant.
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Case No. 4:11-cv-02186-YGR

**STIPULATION AND [PROPOSED]
ORDER TO SUBSTITUTE PARTY**

Pursuant to Rules 15(a)(2) and 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff PaymentOne Corporation and Defendant Zong, Inc. hereby stipulate to the substitution of PayPal, Inc. as Defendant in place of Defendant Zong, Inc., subject to the approval of the Court. In support of this stipulation, the parties state as follows.

1. Plaintiff's Complaint names Zong, Inc. as a Defendant in this action.
2. Effective January 1, 2012, Zong, Inc. merged with and into PayPal, Inc.
3. Pursuant to the merger, PayPal, Inc. is the successor-in-interest to all of the debts and liabilities of Zong, Inc.

Pursuant to General Order No. 45, Section X(B) regarding signatures, I hereby attest that concurrence in the filing of this document has been obtained for the other signatories in this e-filed document.

Dated: April 30, 2012

FISH & RICHARDSON P.C.

By: /s/ Keeley I. Vega

Keeley I. Vega

Attorneys for Defendant

ZONG, INC. and PAYPAL, INC.

Date: April 27, 2012

COLT / WALLERSTEIN LLP

By: 

Doug Colt

Attorneys for Plaintiff

PAYMENTONE CORPORATION

NIRO, HALLER & NIRO

By: /s/ Matthew G. McAndrews

Matthew G. McAndrews (*pro hac vice pending*)

Attorneys for Plaintiff

PAYMENTONE CORPORATION

[PROPOSED] ORDER

Before the Court is the Stipulation by Plaintiff PaymentOne Corporation and Defendant Zong, Inc. to Substitute Party. Having considered the Stipulation, and finding that good cause exists and the relief sought is justified, it is hereby ORDERED that PayPal, Inc. be submitted in place of Defendant Zong, Inc. in the above-captioned case. The case caption will hereby reflect this party substitution.

Dated: _____

UNITED STATES DISTRICT COURT JUDGE

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